

This matter has been referred to me for all pretrial matters (docket entry 12).

The motion is based on defendant's request made by letter to the Clerk of the Judicial Panel on Multidistrict Litigation on January 12, 2007 notifying the Panel of this case and requesting transfer and consolidation with the MDL action. No party has filed an opposition to the motion. The motion is premised on the inherent authority of the Court to stay the proceedings before it. The Court has sole discretion to stay proceedings when it serves the interests of judicial economy and efficiency. *Rivers v. Walt Disney Co.*, 980 F.Supp. 1358, 1360 (C.D. Cal. 2002).

There being no opposition to the motion and finding that granting the motion would be an appropriate exercise of the Court's authority, I recommend the District Judge (1) grant the motion to stay, (2) order the matter stayed until such time as the Judicial Panel on Multidistrict Litigation determines the pending request to transfer and consolidate this case with the pending MDL action No. 1604, or until further Order of this Court, and (3) direct Defendant Ocwen Loan Servicing, LLC to file a monthly written Advisory providing this Court with an update on the status of the Panel's review of the transfer request.

Instructions for Service and Notice of Right to Object/Appeal

The United States District Clerk shall serve a copy of this Memorandum and Recommendation on all parties who have entered an appearance, by either (1) electronic transmittal to all parties represented by attorneys registered as a "Filing User" with the Clerk of Court, or (2) by mailing a copy to those not registered by certified mail, return receipt requested. Written objections to this Memorandum and Recommendation must be filed within 10 days after

being served with a copy of same, unless this time period is modified by the District Court.²

Such party shall file the objections with the Clerk of the Court, and serve the objections on all other parties and the Magistrate Judge. A party filing objections must specifically identify those findings, conclusions or recommendations to which objections are being made and the basis for such objections; the District Court need not consider frivolous, conclusive or general objections. A party's failure to file written objections to the proposed findings, conclusions and recommendations contained in this report shall bar the party from a *de novo* determination by the District Court.³ Additionally, failure to file timely written objections to the proposed findings, conclusions and recommendations contained in this Memorandum and Recommendation shall bar the aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court.⁴

SIGNED on March 30, 2007.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

²28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b).

³*Thomas v. Arn*, 474 U.S. 140, 149-152 (1985); *Acuña v. Brown & Root, Inc.*, 200 F.3d 335, 340 (5th Cir. 2000).

⁴*Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).